

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RONALD TROY AGEE, )  
Petitioner, )  
ROBERT WALLER, Warden, )  
Respondent. )  
                        )  
                        )  
                        ) NO. 3:03-0884  
                        ) JUDGE HAYNES

**O R D E R**

In accordance with the Memorandum filed herewith, the Respondent's motion to dismiss and motion for judgment as a matter of law (Docket Entry No. 27) is **GRANTED** and the Petitioner's petition is **DISMISSED**.

Petitioner is given ten (10) days to file a statement of any claim on appeal and state the grounds for a Certificate of Appealability. 28 U.S.C. 2253(c)(1) and (2).

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 3<sup>rd</sup> day of August, 2005.

  
WILLIAM J. HAYNES, JR.  
United States District Judge